

**Notice of Allowability**

Application No.

10/032,006

Examiner

Sana Al-Hashemi

Applicant(s)

RODRIGUEZ-VAL ET AL.

Art Unit

2164

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to RCE filed 5/30/07.
2. ☒ The allowed claim(s) is/are 56-99 as renumbered 1-43.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
SANA AL-HASHEMI  
PRIMARY EXAMINER

### **DETAILED ACTION**

1. This action is issued in response to applicant amendment/RCE filed May 30, 2007.
2. Claims 56-99 were added. Claims 1-55 were canceled.
3. Claims 56-99, as renumbered 1-43 are allowed

#### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/30/07 has been entered.

#### ***Allowable Subject Matter***

The following is an examiner's statement of reasons for allowance: the 37 CFR 1.131 was persuasive. Claims 56-99, as renumbered 1-43 are allowed.

Regarding independent claims 56, 72, and 89 as renumbered 1, 17, and 33, the prior art of record fails to disclose or suggest the claimed provision of: A method for allowing a user to register with an Internet Service Provider ("ISP") to inspire billing of charges that are incurred incident to receipt of the requested services offered by or through the ISP to a telephone bill, the method comprising: receiving, from a client device, a request to access services offered by or through the ISP; in response to the request to access the services

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offered by or through the ISP, requesting from a user of the client device, to identify a choice of billing for charges that are incurred incident to receipt of the requested services offered by or through the ISP; receiving, from the user, the choice of billing for the charges that are incurred incident to receipt of the requested services offered by or through the ISP; analyzing the response to determine whether the user has requested telephone billing for the charges that are incurred incident to receipt of the requested services offered by or through the ISP; based on analyzing the response, determining that the user has requested telephone billing for the charges that are incurred incident to receipt of the requested services offered by or through the ISP; retrieving a telephone number associated with the user; determining a number of users who have previously selected the telephone number for billing the charges incident to receipt of the requested services offered by or through the ISP; accessing a threshold that enables determination of a number of users permitted to bill charges for services to the telephone number; determining whether the number of users exceeds the threshold; denying user-requested telephone billing for the charges that are incurred incident to receipt of the requested services offered by or through the ISP when it is determined that the number of users exceed the threshold; and enabling user-requested telephone billing for the charges that are incurred incident to receipt of the requested services offered by or through the ISP when it is determined that the number of users does not exceed the threshold, in conjunction with remaining claim provisions, is not taught or suggested, or rendered obvious over the prior art of record or that encountered in searching the invention.

The dependent claims 57-71, 73-88, and 90-99, being further limiting to the independent claims, definite and enabled by the Specification are also allowed.

### **Comments**

**The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. In no case may an applicant reply outside the SIX (6) MONTH statutory period or obtain an extension for more than FIVE (5) MONTHS beyond the date for reply set forth in an Office action. A fully responsive reply must be timely filed to avoid abandonment of this application.**

**Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."**

4. As allowable subject matter has been indicated, Applicant's response must either comply with all formal requirements or specifically traverse each requirement not complied with. See 37 CRF 1.111(b) and MPEP section 707.07(a).

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


***Points of Contact***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sana Al-Hashemi whose telephone number is (571) 272-4013.

The examiner can normally be reached on 8Am-4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on (571) 272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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Primary Patent Examiner  
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